



2026:AHC:8673

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 13985 of 2025

Kundan Singh Patel @ Vishal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajit Kumar Singh, Raj Kumar Sharma
Counsel for Opposite Party(s) : Aishanvi Malaviya, G.A., Rahul Singh,
Rajesh Mishra, Rakesh Chandra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Raj Kumar Sharma, learned counsel for applicant, Sri Rahul Singh, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No. 577 of 2024, under Sections 103(1), 3(5), 309(6), 332(A), 317(2), 61(2)(A) BNS and 4/25 Arms Act, Police Station Robertsganj, District Sonbhadra, with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the applicant is not named in the FIR. His name has come up for the first time in his extra-judicial confession before one Sunil Kumar, which has no evidentiary value in the eyes of law. The said Sunil Kumar does not hold any clout in the locality, as such, the said extra-judicial confession does not fall within the category of Section 22 of BSA.
5. Learned counsel has further argued that that false recovery has been foisted on the applicant, which is after a delay of eight days from the occurrence, as such, rigors of Section 119 illustration (a) does not apply to the case of the applicant. The said recovery of diary, cheque books, some sheets of cheques, Rs. 50,000/- cash, ornaments and revolver 0.32 bore have been foisted on the applicant. The CCTV footage also does not

identify the applicant. Rather it is stated that it seems to be the applicant. No one is clear that it was the applicant who is seen in the said footage. The applicant is in jail since 18.8.2024 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that the applicant is a relative of the deceased and was involved in money lending business and he misused his clout and has committed the said offence. The recovery of heavy amount of material from the applicant speaks volume of his complicity in the offence. The revolver which matches with the license, which was held by the deceased in his name, cannot be falsely foisted on the applicant, as such, the applicant is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the recovery of revolver, which matches with the license, which was held by the deceased in his name, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

January 13, 2026

Shalini